

PATENT

"Express Mail" Mailing Label Number"

EU-7127 167240S

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE  
U.S. POSTAL SERVICE "EXPRESS MAIL POST OFFICE-TO- ADDRESSEE SERVICE  
UNDER 37 CFR 1.10 ON THE DATE INDICATED BELOW AND IS ADDRESSED TO  
MAIL STOP PATENT APPLICATION, COMMISSIONER FOR PATENTS, P.O.  
BOX 1450, ALEXANDRIA, VA 22313-1450

July 16, 2003  
DATE OF DEPOSIT  
[Signature]  
SIGNATURE OF PERSON MAILING PAPER OR FEE  
Anita J. Galo  
NAME OF PERSON SIGNING  
07/16/2003  
DATE OF SIGNATURE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Isador H. Lieberman

Continuation-in-Part of Serial  
No. 10/395,779, filed  
March 24, 2003

Filing Date : Concurrently Herewith

For : APPARATUS AND METHOD FOR  
ATTACHING ADJACENT BONES

Attorney Docket No. : CCF-6387

Mail Stop New Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This information disclosure statement is being filed to  
fulfill the duty of candor and good faith toward the Patent  
and Trademark Office in accordance with 37 CFR §1.56.

Copies of the items and PTO Form 1449 have been attached.

U.S. PATENT DOCUMENTS

U.S. Patent No. 2,033,039	U.S. Patent No. 5,888,223
U.S. Patent No. 4,762,453	U.S. Patent No. 5,904,696
U.S. Patent No. 4,854,311	U.S. Patent No. 6,010,502
U.S. Patent No. 4,961,740	U.S. Patent No. 6,036,701
U.S. Patent No. 5,055,104	U.S. Patent No. 6,071,310
U.S. Patent No. 5,116,336	U.S. Patent No. 6,080,155
U.S. Patent No. 5,246,443	U.S. Patent No. 6,086,589
U.S. Patent No. 5,263,953	U.S. Patent No. 6,102,950
U.S. Patent No. 5,290,289	U.S. Patent No. 6,106,557
U.S. Patent No. 5,437,266	U.S. Patent No. 6,113,638
U.S. Patent No. 5,534,031	U.S. Patent No. 6,117,162
U.S. Patent No. 5,582,616	U.S. Patent No. 6,120,502
U.S. Patent No. 5,626,613	U.S. Patent No. 6,120,503
U.S. Patent No. 5,662,683	U.S. Patent No. 6,123,705
U.S. Patent No. 5,728,116	U.S. Patent No. 6,126,688
U.S. Patent No. 5,791,899	U.S. Patent No. 6,126,689
U.S. Patent No. 5,800,550	U.S. Patent No. 6,206,882
U.S. Patent No. 5,810,851	U.S. Patent No. 6,269,656
U.S. Patent No. 5,824,008	U.S. Patent No. 6,468,309

FOREIGN PATENT DOCUMENTS

<u>Patent No.</u>	<u>Relevance</u>
EP 0 374 088 A1	See attached partial English translation.
EP 0 663 184 A1	
FR 2 299 548	Discloses a fastener, and apparatus for placing the fastener.

FOREIGN PATENT DOCUMENTS

<u>Patent No.</u>	<u>Relevance</u>
PCT WO 02/24087 A1	
SU 1071 297 A	See attached English translation.

OTHER DOCUMENTS

An article entitled "ANTERIOR VERTEBRAL BODY SCREW PULLOUT TESTING, A Comparison of Zielke, Kaneda, Universal Spine System, and Universal Spine System With Pullout-Resistant Nut", by Isador H. Lieberman, et al., Reprinted from SPINE, Vol. 23, No. 8, April 15, 1998.

An excerpt from THE APPLICATION OF SHAPE MEMORY ALLOYS IN MEDICINE; Author: I. P. Lipscomb, 1996; Contents; Forward; Preface; Chapter 1 "Introduction to Shape Memory Alloys (SMAs)".


An excerpt from THE APPLICATION OF SHAPE MEMORY ALLOYS IN MEDICINE; Author: I. P. Lipscomb, 1996; Chapter 2 entitled "Characteristics of Shape Memory Alloys in Medical Applications".

An excerpt from THE APPLICATION OF SHAPE MEMORY ALLOYS IN MEDICINE; Author: I. P. Lipscomb, 1996; Chapter 5 "Present and Future Orthopaedic Applications".

U.S. Cragg Patent Appln. Publication No. US 2001/0049527, published December 6, 2001 entitled METHODS AND APPARATUS FOR PERFORMING THERAPEUTIC PROCEDURES IN THE SPINE.

U.S. Cragg Patent Appln. Publication No. US 2002/0016583, published February 7, 2002 entitled METHODS OF PERFORMING PROCEDURES IN THE SPINE.

Respectfully submitted,

  
Richard S. Wesorick  
Reg. No. 40,871

TAROLLI, SUNDHEIM, COVELL,  
& TUMMINO L.L.P.  
526 Superior Avenue, Suite 1111  
Cleveland, Ohio 44114-1400  
Phone: (216) 621-2234  
Fax: (216) 621-4072  
Customer No.: 26,294

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE  
(REV. 6-89) PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: CCF-6387

SERIAL NO. N/A

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

APPLICANT(S): Isador H. Lieberman

(Use several sheets if necessary)

FILING DATE: Concurrently Herewith

GROUP: N/A

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER								DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	2	0	3	3	0	3	9		Mar. 3, 1936	Limpert			
	4	7	6	2	4	5	3		Aug. 9, 1988	DeCaro			
	4	8	5	4	3	1	1		Aug. 8, 1989	Steffee			
	4	9	6	1	7	4	0		Oct. 9, 1990	Ray et al.			
	5	0	5	5	1	0	4		Oct. 8, 1991	Ray			
	5	1	1	6	3	3	6		May 26, 1992	Frigg			
	5	2	4	6	4	4	3		Sep. 21, 1993	Mai			
	5	2	6	3	9	5	3		Nov. 23, 1993	Bagby			
	5	2	9	0	2	8	9		Mar. 1, 1994	Sanders et al.			
	5	4	3	7	2	6	6		Aug. 1, 1995	McPherson et al.			
	5	5	3	4	0	3	1		Jul. 9, 1996	Matsuzaki et al.			
	5	5	8	2	6	1	6		Dec. 10, 1996	Bolduc et al.			
	5	6	2	6	6	1	3		May 6, 1997	Schmieding			
	5	6	6	2	6	8	3		Sep. 2, 1997	Kay			
	5	7	2	8	1	1	6		Mar. 17, 1998	Rosenman			
	5	7	9	1	8	9	9		Aug. 11, 1998	Sachdeva et al.			
	5	8	0	0	5	5	0		Sep. 1, 1998	Sertich			
	5	8	1	0	8	5	1		Sep. 22, 1998	Yoon			
	5	8	2	4	0	0	8		Oct. 20, 1998	Bolduc et al.			

## FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER										DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
														YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609;  
Draw line through citation if not in conformance and not considered. Include copy of this form with next  
communication to the patent applicants' attorney.

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE  
(REV. 6-89) PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: CCF-6387

SERIAL NO. N/A

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(Use several sheets if necessary)

APPLICANT(S): Isador H. Lieberman

FILING DATE: Concurrently Herewith

GROUP: N/A

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER								DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	5	8	8	8	2	2	3		Mar. 30, 1999	Bray, Jr.			
	5	9	0	4	6	9	6		May 18, 1999	Rosenman			
	6	0	1	0	5	0	2		Jan. 4, 2000	Bagby			
	6	0	3	6	7	0	1		Mar. 14, 2000	Rosenman			
	6	0	7	1	3	1	0		Jun. 6, 2000	Picha et al.			
	6	0	8	0	1	5	5		Jun. 27, 2000	Michelson			
	6	0	8	6	5	8	9		July 11, 2000	Kuslich et al.			
	6	1	0	2	9	5	0		Aug. 15, 2000	Vaccaro			
	6	1	0	6	5	5	7		Aug. 22, 2000	Robioneck et al.			
	6	1	1	3	6	3	8		Sep. 5, 2000	Williams et al.			
	6	1	1	7	1	6	2		Sep. 12, 2000	Schmieding et al.			
	6	1	2	0	5	0	2		Sep. 19, 2000	Michelson			
	6	1	2	0	5	0	3		Sep. 19, 2000	Michelson			
	6	1	2	3	7	0	5		Sep. 26, 2000	Michelson			
	6	1	2	6	6	8	8		Oct. 3, 2000	McDonnell			
	6	1	2	6	6	8	9		Oct. 3, 2000	Brett			
	6	2	0	6	8	8	2		Mar. 27, 2001	Cohen			
	6	2	9	6	6	5	6		Oct. 2, 2001	Bolduc et al.			
	6	4	6	8	3	0	9		Oct. 22, 2002	Lieberman			

**FOREIGN PATENT DOCUMENTS**

DOCUMENT NUMBER										DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
														YES	NO
EP	0	3	7	4	0	8	8	A1		04 Oct. 1989	Germany				
EP	0	6	6	3	1	8	4	A1		13 July 1995	Germany				
FR	2	2	9	9	5	4	8			27 Aug. 1976	France				
WO	0	2	2	4	0	8	7	A1		28 Mar. 2002	PCT				
SU	1	0	7	1	2	9	7	A		07 Feb. 1984	Soviet Union				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

	An article entitled "ANTERIOR VERTEBRAL BODY SCREW PULLOUT TESTING, A Comparison of Zielke, Kaneda, Universal Spine System, and Universal Spine System With Pullout-Resistant Nut", by Isador H. Lieberman, et al., Reprinted from SPINE, Vol. 23, No. 8, April 15, 1998.
	An excerpt from THE APPLICATION OF SHAPE MEMORY ALLOYS IN MEDICINE; Author: I. P. Lipscomb, 1996; Contents; Forward; Preface; Chapter 1 "Introduction to Shape Memory Alloys (SMAs)".
	An excerpt from THE APPLICATION OF SHAPE MEMORY ALLOYS IN MEDICINE; Author: I. P. Lipscomb, 1996; Chapter 2 entitled "Characteristics of Shape Memory Alloys in Medical Applications".
	An excerpt from THE APPLICATION OF SHAPE MEMORY ALLOYS IN MEDICINE; Author: I. P. Lipscomb, 1996; Chapter 5 "Present and Future Orthopaedic Applications".

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent applicants' attorney.

